

MINUTE ORDER

CASE NUMBER: CV 11-00105 HG-BMK

CASE NAME: Lindsey v. PNC Mortgage and Phillips
& Cohen Associates, Ltd.

ATTYS FOR PLA: Harvey M. Nakamoto , Jr., Esq.
William H. Gilardy , Jr., Esq.

ATTYS FOR DEFTS: Jessica Marie Mickelsen, Esq.
Behzad B. Mohandesi, Esq.
Walter C. Davison, Esq.
Michiro Iwanaga, Esq.

JUDGE: Helen Gillmor

DATE: November 16, 2011

On August 31, 2011, Defendant Phillips & Cohen Associates, Ltd. (hereafter "Phillips & Cohen") filed "DEFENDANT PHILLIPS & COHEN ASSOCIATES, LTD.'S MOTION FOR SUMMARY JUDGMENT" (Doc. 39). Defendant Phillips & Cohen moved for summary judgment and for attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3).

A hearing on the motion was set for Tuesday, October 11, 2011 at 10:30 am. The Plaintiff did not respond to the motion or appear at the hearing.

On October 11, 2011, summary judgment was granted in favor of Defendant Phillips & Cohen and a request for attorneys' fees was entered in favor of Defendant Phillips & Cohen.

On October 31, 2011, Plaintiff filed "PLAINTIFF ALLIS LINDSEY'S MOTION FOR AN ORDER FOR A REHEARING OF DEFENDANT PHILLIP & COHEN ASSOCIATES, LTD'S MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE A MOTION FOR RECONSIDERATION OF THE ORDER GRANTING MOTION FOR SUMMARY JUDGEMENT" (Doc. 62). Attached to Plaintiff's motion were two letters from the Plaintiff and one letter from the Defendant addressed to the Court.

On November 14, 2011, Plaintiff filed "ADDITIONAL MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR REHEARING ON DEFENDANT PHILLIPS AND COHEN ASSOCIATES' MOTION FOR SUMMARY JUDGMENT" (Doc. 63.)

Judgment has been entered in favor of Defendant Phillips & Cohen. Plaintiff's motion is, therefore, construed as a motion to set aside judgment.

Plaintiff has until November 30, 2011, to file a memorandum and accompanying concise statement of facts setting out the reasons and supporting evidence that controverts Defendant Phillips & Cohen's Motion for Summary Judgment.

Defendant Phillips & Cohen has until December 14, 2011 to file a reply.

Pursuant to Local Rule 7.3, the Court elects to decide the motion without a hearing.

IT IS SO ORDERED.

Submitted by Leslie L. Sai, Courtroom Manager